

March 14, 2006

To: Victor Ketellapper  
U.S. EPA  
VBI70 Site Program Manager

From: Michael J. Kosnett, MD, MPH  
CEASE TAG Advisor

Cc: George Weber (for VBI70 Working Group distribution)  
Raquel Holguin (for CEASE distribution)

Re: Status of exterior lead based paint abatement on residential properties  
subject to soil lead remediation in the VB-I70 Superfund Site

CEASE remains very supportive of EPA's decision to conduct exterior lead based paint abatement on residential properties subject to soil remediation in the VBI70 Superfund Site where such abatement may be necessary to protect the remedy. In like manner, CEASE strongly supports EPA's decision to involve local subcontractors and workers in the lead based paint abatement process, as this will serve to build the infrastructure and capacity for future work of this nature in the community. CEASE applauds EPA's innovative and important action, and expresses its ongoing appreciation of the opportunities that have been afforded for community involvement in program development and implementation.

CEASE is interested in receiving an update on several aspects of the lead based paint abatement program at a future meeting of the VBI70 Working Group. If possible, we would like to receive the following information:

1. Revised protocol for the determination of properties eligible for exterior lead based paint. Based on your comments at meetings of the VBI70 Working Group over the past several months, we understand that the process of identifying properties eligible for exterior paint remediation originally set forth in your memo of January 13, 2005 has been revised pursuant to recommendations made by CEASE in a memo dated February 15, 2005. These recommendations, which were also supported by the Denver Department of Environmental Health, requested that soil within 2 meters of relevant exterior surfaces, rather than the entire yard, be considered in calculation of the potential impact on soil from lead based paint. CEASE would appreciate receiving any document that sets forth the revised, final protocol that EPA has developed.

2. Status report on exterior lead based paint evaluations. To the extent such information is available, CEASE is interested in learning:

- i) The number of residential properties eligible for an evaluation of exterior lead based paint;
- ii) The number of residential properties where such an evaluation has been scheduled, or completed;
- iii) The identity and business addresses of the companies conducting these evaluations;
- iv) The number of properties where exterior lead based paint abatement has been scheduled, or has been conducted;
- v) Any correspondence or documents that EPA has developed to advise property owners of the exterior lead based paint evaluation and abatement program. It is CEASE's understanding that EPA would develop such materials.

3. Review of potential recontamination of remediated soil by exterior painting or renovation conducted prior to the exterior lead based paint assessment. As per your comments at the Working Group meetings, CEASE understands that in the process of conducting exterior lead based paint evaluations, EPA will inquire whether a property owner may have conducted exterior painting or renovation subsequent to soil remediation, but prior to the exterior lead based paint evaluation. If such painting or renovation has been conducted in a manner that might not have protected the remediated soil, EPA will re-sample the soil to determine if contamination has occurred, and if new soil remediation is necessary. CEASE is interested in learning the status of these inquiries, and the results of any follow-up soil testing.

4. Status of outreach to local companies and workers to participate in exterior lead based paint abatement. At the February 2, 2006 Working Group meeting, CEASE representatives expressed concern regarding the extent and timeliness of the outreach extended to local companies in advance of the February 17 subcontractor and individual worker sessions. Subsequent to the Working Group meeting, CEASE did not receive copies of revised session announcements to review and distribute. It is also our understanding that the DEH Outreach Specialist was not contacted for input into the outreach process. In order to understand the adequacy of the outreach that was conducted, CEASE is interested in learning:

- i) The content, date, and recipients of any written notices distributed in advance of the February 17 meeting
- ii) The content and distribution plan of advertisements or flyers used to publicize the February 17 meeting
- iii) The identity and business addresses of local companies that attended the February 17 meeting

- iv) A summary of verbal and written information that was presented to attendees at the sessions
- v) Plans for future outreach to local companies and individual workers
- vi) The procedures or protocols that will be utilized to determine the percentage of exterior lead paint remediation jobs will be conducted by local subcontractors, and the percentage will be conducted directly by PRI, with and without local workers.
- vii) Information on the percentage and size of the current PRI lead paint remediation workforce that consists of locally hired workers.

**PROPOSED REVISED GROUND RULES FOR  
VB-I70 WORKING GROUP MEETINGS**  
**Submitted to VB-I70 Working Group Meeting Participants by**  
**George Weber, Working Group Meeting Planner and Facilitator 3/1/06**

**BACKGROUND**

**VB-I70 Program and Working Group Purposes**

1. The purpose of the VB-I70 Superfund Site Clean-up Program is to:
  - Sample the soil of residential properties for lead and arsenic to find out if the levels are high enough to affect residents' health, and particularly that of children;
  - Remove and replace soil and landscaping at all properties that have levels of arsenic and lead higher than the Program standard; and
  - Educate neighborhood residents about the lead and arsenic health issues, evaluate lead hazards in the home, and test young children to see if they have been exposed to lead and arsenic. (This IS the Community Health Program!)
2. The purpose of the Working Group is to provide a forum for community representatives, government agencies (federal, state, local), and other interested parties to provide input to the EPA and CDPHE Program Managers, and other agencies about the VB-I70 clean-up requirements.
3. The Working Group is not the ONLY mechanism for EPA to obtain input from the community. (e.g., see email attachment CitizenRoleInWG.pdf)

**Roles and Responsibilities**

4. Federal law gives the authority AND responsibility for accomplishing Program goals to the Region VIII EPA and CDPHE Program Managers. By law -- they got to get this done within a specified timeframe and budget!
5. The role of the Working Group is advisory and/or supportive to the government Program Managers.

**Working Group Process**

6. Potential for conflict is present in the 'Working Group', and more general process given that the 'legal-administrative' and 'cultural' realities of 'The Process' differ. The 'legal-administrative' reality, in contrast to the culture that has developed of what 'The Process' is, have created expectations that are a potential source of conflict. Again, 'The Process' is defined loosely as decision making about the Program and the groups and their meetings addressing Program planning and implementation. (See attached excerpt

from Weber, George, Stakeholder Action Plan: Vasquez Boulevard/I-70 Superfund Site – Assessment, Findings, and Recommendations, June, 2005).

I suggest that we keep this potential conflict explicitly in mind, so that we don't continue to get 'tripped-up' by not being conscious of this cross-current of expectations..

## **GROUND RULES**

7. Keep to the purpose of the VB-I70 Superfund Site Clean-up in suggesting Working Group agenda items.

8. During Working Group meetings, stick to the agenda. Every Working Group participant is given an opportunity, beginning approximately two weeks prior to a meeting, to suggest agenda items and provide detailed information regarding what they want the session to address, how they want it addressed, and desired outcomes, etc. Frame and ground you suggestions in the VB-I70 Program purpose in 1, above.

9. In suggesting agenda items and/or asking questions or raising issues during a meeting, please attempt to frame and ground your issue or question in terms of one of the three VB-I70 Program components if this is not obvious to everyone. Please explain how your issue or question relates to the VB-I70 Program purpose in 1, above.

10. Please come to Working Group meetings on time. Please do not expect the entire group to interrupt the agenda process to reiterate business that was accomplished before your arrival.

11. If someone has a topic that is NOT on the agenda, or which has been addressed earlier in the meeting, the Facilitator will ask the Recorder to note this item on a 'Parking Lot List'. The person who raises this issue or question will have the opportunity to discuss this with other participants who want to remain and discuss this after all items on the agenda have been addressed, including deciding on a date for the next Working Group meeting. Working Group participants will be asked to remain for a few minutes while the person who raised the issue or question makes a brief case for why all or specified participants should remain and discuss the issue.

12. If someone has a concern or question that lies outside the purpose of the VB-I70 Superfund Site Clean-up, they are encouraged to raise the issue at the end of the meeting.

13. Other members, particularly those representing government agencies and other organizations serving as resources to the group, are strongly encouraged to provide information regarding potential resources that may be helpful to answering the questions or resolving the issues to which 11 and 12 above refer. This will include suggesting other contexts or forums within which the issue and/or question may be appropriately addressed.

14. Working Group participants, particularly new drop-in participants, should become informed of the decisions and progress the Working Group and Program Managers have made on accomplishing the Program goals since the late 90s. The Program Managers, given their legally imposed responsibilities, and the Working Group as a whole, should not be expected to use meeting time to bring a new participant up to date on eight or more years of specifics, nor go back and revisit decisions that were made in the past, unless there are compelling reasons and widespread support from the group as a whole to do this.

15. Disagreements should be framed to focus on issues -- in a non-personal, positive and respectful manner. **PERSONAL ATTACKS ON INDIVIDUALS WILL NOT BE TOLERATED!!** The Facilitator, hopefully with support from the other participants, may warn once and/or ask an individual personally attacking another to leave the facility immediately.

16. Do not operate mechanical or electronic devices that generate sound or light or other disturbances in the meeting room. This includes cell-phones, cameras, audio- recorders, children's games, computers, etc.

- Cell-phones should be switched to non-audible mode only. A participant should leave the meeting room to talk on their cell-phone, listen to messages, etc.
- Recording of meetings and participants, including audio, pictures, video, etc. will not be allowed unless prior approval is obtained from the group.
- The Facilitator, hopefully with support from other participants, may warn once, and/or ask an individual using a mechanical or electronic device that is distracting, disturbing, or otherwise harassing other members of the group to leave the facility immediately.

From: STAKEHOLDER ACTION PLAN: VASQUEZ BOULEVARD/I-70 SUPERFUND SITE -- Assessment, Findings, and Recommendations, Submitted by George Weber, George Weber, Inc. Environmental to VB/I-70 Program Site Manager, Region VIII EPA, June 2005, p. 31.

**Potential for conflict is present given that the legal-administrative and cultural realities of 'The Process' differ**

The legal-administrative reality is that the EPA and CDPHE Superfund Program Managers have responsibility and authority for making decisions. Part of this reality is the pressure on the Program Managers to accomplish their missions effectively and efficiently. All other stakeholders – i.e., other government agencies and programs, non-governmental community organizations, site residents, etc. are in an advisory and/or supporting role.

The cultural reality that has developed seems to be what one could characterize as similar to a 'community development and/or organizational development' process. This type of culture would emphasize community control, comprehensive representation, openness, involvement, discussion, and consensus decision-making.

There is a tension, if not conflict, inherent between these two different ways of doing things and the associated expectations functioning in the same Program context. Are Program Managers, unconsciously, albeit with the best of intentions, trying to 'have it both ways'?

All participants, including community residents, acknowledged and, with a couple of exceptions, had high praise for 'The Process' and Program Managers' intensive efforts to obtain broad representation and significant community involvement in Program planning and implementation.

Yet, there have been two recent examples of the Program Managers making a decision, apparently on their own, and conflict occurred, not only with community residents, but apparently with some staff of supporting government programs. The two decisions are:

- Decision to award the CHP contract to the Department of Environmental Health, City of Denver (DEH); and
- Development of method for determining eligibility for external lead based paint abatement.

# Suggested Agenda Vasquez I-70 Working Group Meeting

April 6, 2006  
9:00 a.m. – 12:00 pm (3 Hours)  
Downing Square Apartments  
3280 Downing Street  
Denver, CO 80205  
303-293-0278

Meeting called by: Vasquez I-70 Working Group

Invited Participants: See Attached Spreadsheet

Type of meeting: Reporting, Q&A, feedback, discussion.

Facilitator: George Weber, George Weber Inc. Environmental

Pre-meeting reading: Revised Groundrules, CEASE Memo re Pb Paint Plan

Recorder: Pat Courtney, Region VIII EPA Community Involvement

Desired Outcomes:

Note taking: Jennifer Chergo, EPA Community Relations

- Approve revised groundrules and agree to 'parking lot' procedure for addressing issues NOT on the agenda.
- Participants receive a progress report and have their questions answered in re soil sampling and clean-up at each OU.
- Participants receive a progress report in re external lead based paint abatement, and Dr. Kosnett's issues specifically and have their questions answered.
- Participants receive a copy of Spanish version of 'Pica Study'.
- Participants receive a progress report in re variety of Community Health Program activities and have their questions answered.

Refreshments: Michelle Smith, Megan Redfern, PRI

## Agenda

1. Welcome, Introductions	George Weber	15 minutes 9:00 – 9:15
2. Revised Groundrules <ul style="list-style-type: none"> <li>• 'Parking Lot' for issues NOT on the day's agenda, to be discussed after meeting is over.</li> <li>• Proposer has 3 minutes to define issue, explain how it relates to VB-I70 Superfund Clean-up Program components, and/or why other members might be interested.</li> <li>• Discuss if Working Group wants to discuss after meeting closure. If yes, when?</li> </ul>	George Weber	15 minutes 9:15 – 9:30



2. Operable Units 1, 2 & 3	Victor Ketellapper, Site Program Manager, Region VIII EPA	20 minutes (Progress Report, Q&A) 9:30 – 9:50
3. Exterior Lead Based Paint Abatement -- Provide feedback in re CEASE memo: <ul style="list-style-type: none"> <li>• Revised protocol for determination of eligible properties.</li> <li>• Status report on evaluations.</li> <li>• Review of potential recontamination of remediated soil by exterior painting or renovation conducted prior to exterior lead based paint assessment.</li> <li>• Status of outreach to local companies and workers to participate in exterior lead based paint abatement.</li> </ul>	Victor Ketellapper, Site Program Manager, Region VIII EPA	30 minutes (Progress Report, Q&A) 9:50 – 10:20
4. Pica Study -- Spanish Version	Margaret F. Ruttenber Physical Scientist Research Scientist-Prog. Mgr, En. Health Studies\ CRCNS, CDPHE	15 minutes (Distribute study) 10:20 – 10:35
5. Community Health Program <ul style="list-style-type: none"> <li>• Canvassing &amp; Community Health Worker activities.</li> <li>• Realtor and Contractor Outreach.</li> <li>• Second Year Home Visit Content.</li> <li>• Role of CHP, DEH &amp; CDPHE in addressing Mexican lead contaminated candy.</li> </ul>	Martha Hoff, Administrator; Jay Salas, Coordinator, CHP, Denver Department of Environmental Health	45 minutes (progress report, Q&A) 10:35 – 11:20
6. Meeting Closure -- Next Meeting – <ul style="list-style-type: none"> <li>• Date &amp; Time?</li> <li>• Swansea-Elyria neighborhood – Cross Community Coalition, 2501 E. 48<sup>th</sup> Ave.</li> </ul>	George Weber	10 minutes 11:20 – 11:30 (discuss, plan, decide)
7. 'Parking Lot' issues: Should we address? How? When? <ul style="list-style-type: none"> <li>• Toxic lead exposure in some of Denver's alleys. (Future presentation proposed by Clementine Pigford, NEDHC.</li> <li>• Others?</li> </ul>	George Weber	(discuss, plan, decide)